

United States Senate

WASHINGTON, DC 20510

July 17, 2024

The Honorable Jennifer Granholm
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

The Honorable Christopher Hanson
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Secretary Granholm and Chair Hanson:

We write to express our deep alarm about public reports that the Department of Energy is considering funding proposals to support building commercial nuclear fuel reprocessing plants in the United States.

These plants would violate our national nuclear security policy, including the Administration's own National Security Memorandum-19 ("To Counter Weapons of Mass Destruction Terrorism and Advance Nuclear and Radioactive Material Security"), which states, "it is the policy of the United States to [...] refrain from the use of weapons-usable nuclear material in new civil reactors or for other civil purposes" and to "focus civil nuclear research and development on approaches that avoid producing and accumulating weapons-usable nuclear material."¹

The reprocessing of plutonium that would be undertaken at these plants would create security and proliferation risks that far outweigh any ostensible energy benefits. For instance, U.S. adversaries could cite this precedent to build their own commercial plants, which have the potential to produce enough plutonium to be diverted to the development of nuclear weapons. Furthermore, such projects would be vulnerable to attacks by nefarious actors who seek to exploit the infrastructure and nuclear fuel at these plants to threaten U.S. nationals and interests.

As you know, U.S. nuclear power plants do not require or utilize weapons-usable fuel, which is why President Gerald R. Ford declared a moratorium on civilian reprocessing plants in 1976.² Since then, no civilian reprocessing plant has operated in the United States, strengthening U.S. diplomatic efforts to prevent other nations from building or running reprocessing facilities that could produce weapons-usable fuel.

The U.S. government should not provide federal financial support for these plants, including in the form of loan guarantees. The Administration should also inform the Nuclear Regulatory Commission (NRC) that such plants are "inimical to the common defense and security," pursuant to the Atomic Energy Act of 1954. The NRC has a statutory obligation to avoid issuing licenses for commercial production of nuclear material that would jeopardize our national security—

¹ *FACT SHEET: President Biden Signs National Security Memorandum to Counter Weapons of Mass Destruction Terrorism and Advance Nuclear and Radioactive Material Security*, the White House (Mar. 2, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/02/fact-sheet-president-biden-signs-national-security-memorandum-to-counter-weapons-of-mass-destruction-terrorism-and-advance-nuclear-and-radioactive-material-security/>.

² *Statement on Nuclear Policy.*, The American Presidency Project (last visited on May 16, 2024), <https://www.presidency.ucsb.edu/documents/statement-nuclear-policy>.

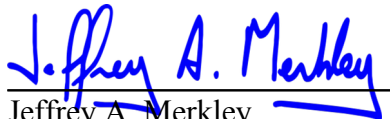
civilian reprocessing of weapons-grade plutonium clearly meets that standard by undermining our nuclear security policy.

Ultimately, the U.S. government must take concrete steps to prevent the construction of reprocessing plants that have been proposed or any similar facility, through either license denials or a refusal to provide these dangerous facilities with public-backed loans or other financial support. The construction of facilities that can produce weapons-grade nuclear material undermines both U.S. nonproliferation policy and American national security.

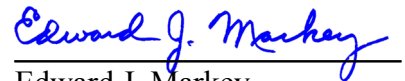
Thank you for your attention to this important issue.

CC: National Security Advisor Jake Sullivan

Sincerely,

Handwritten signature of Jeffrey A. Merkley in blue ink, written over a horizontal line.

Jeffrey A. Merkley
United States Senator

Handwritten signature of Edward J. Markey in blue ink, written over a horizontal line.

Edward J. Markey
United States Senator